



UNITED STATES
PATENT AND
TRADEMARK OFFICE

MAY - 6 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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#28

In re Application of :
Victor Smit et al :
Serial No.: 08/807,506 : PETITION DECISION
Filed: February 26, 1997 :
Attorney Docket No.: 7392/71226 :

This letter is in response to applicant's petition under 37 CFR 1.103(a), filed April 12, 2002, seeking suspension of action in this application for a period of three to six months.

The petition fee of \$130.00 will be charged to applicants' Deposit Account No 06-1135, as directed.

A review of the file history shows that applicants filed a third CPA Request on April 2, 2002. This request has been treated as a Request for Continued Examination (RCE) in view of the previous filing of a CPA on July 13, 2001, the filing of which precluded the filing of any subsequent CPA requests. An amendment was filed with the CPA request which satisfies the requirements of a RCE filing.

Applicants' request for suspension of action is based on employment of a new Dutch agent who needs time to become familiar with the file and consult with applicants. It is noted that a similar reason for suspension of action was filed on March 16, 2000, and granted based on the foreign attorney's illness. It is also noted that this application has been pending for more than five years and claims priority back almost nine years. Given the extended pendency of this application it is contrary to Office policy to grant a further suspension absent a compelling reason to do so.

Applicants' petition is **DENIED**.

The application will be returned to the examiner for further action not inconsistent with this decision.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 305-7230.

Bruce M. Kisliuk
Director, Technology Center 1600